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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,561	02/25/2002	Olivier Bernard Clarisse	3-1-32-2	3186
7590	10/05/2005			
Werner Ulrich 434 Maple Street Glen Ellyn, IL 60137-3826			EXAMINER SUAZO, RAINIER A	
			ART UNIT 2144	PAPER NUMBER

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,561

Applicant(s)

CLARISSE ET AL.

Examiner

Rainier Suazo

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1-8** are pending in this application.

Objections

2. The previous objection to the title is withdrawn, as per Applicant's response received on 07/07/2005.

Claim Rejections - 35 USC § 102(e)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Karjanlahti (U.S. 2003/0187926 A1), hereinafter 'Karjanlahti'.

Regarding claims **1 and 5**,

Karjanlahti taught an apparatus for establishing a pre-configured multi-port telecommunications connection, comprising: an Internet network ([0020 (...IP network...)); and a plurality of end user stations connected to said Internet network ([0020] and fig. 2); at least one of said stations having soft button capabilities for

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generating a message identifying a soft button, in response to an operation of said soft button ([0047]); means for receiving said message, and for generating signaling messages for activating pre-specified connections corresponding to connections requested by said at least one station, in response to the operation of one of said soft buttons ([0025], last 5 lines of paragraph [0034] and [0037]).

Regarding claims 2 and 6,

Karjanlahti taught an apparatus further comprising wherein the means for activating said connections comprises a proxy server for sending signaling messages to the Internet to activate said requested connections ([0003, 0025 to 0027] (...**logical channels between the GGSN and the multicast router...**)). Note that proxy-like functionalities are inherent in the multicast router disclosed by Karjanlahti. The multicast router effectively performs signaling functions on behalf of a client (GGSN).

Regarding claims 3 and 7,

Karjanlahti taught an apparatus wherein said proxy server comprises a Servlet program for controlling the sending of signaling messages to the Internet to activate said requested connections ([0003, 0025 to 0027, 0036 and 0047] (...**logical channels between the GGSN and the multicast router...**)). Note that proxy-like functionalities are inherent in the multicast router disclosed by Karjanlahti. The multicast router effectively performs signaling functions on behalf of a client (GGSN) [0020].

Furthermore, Karjanlahti expressively disclosed controlling functions regarding the

functionality of the multicast router **[0025-26]**. Since a Servlet is a modular implementation of computer executable instructions, Karjanlahti's disclosure inherently disclosed the functional limitations of the invention.

Regarding claims **4 and 8**,

Karjanlahti disclosed an apparatus wherein said at least one end user station comprises an applet program for generating said signaling messages (**first three lines in [0027], [0035 and 0047]**). Karjanlahti recites, "...pushes the button, which triggers the signaling to reserve the physical resources in the network (if not already reserved)...". Note that a computer executable instruction such as those found in an applet is inherent in Karjanlahti's disclosure.

Response to Arguments

The Declaration ("Declaration of Prior Invention in the United States to Overcome Cited Patent or Publication (37 C.F.R. 1.131)") filed on 07/07/2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Karjanlahti (US 2003/0187926 A1) reference as per the following reasons:

a) As per MPEP 715.04 (A) "All the inventors of the subject matter claimed" are required to make affidavit or declaration under 37 CFR 1.131. The submitted declaration is signed by only one of the four inventors.

b) The Karjanlahti (US 2003/0187926 A1) reference is a U.S. patent or U.S. patent application publication of a pending or patented application that claims the rejected invention. An affidavit or declaration is inappropriate under 37 CFR 1.131(a) when the reference is claiming the same patentable invention, see MPEP § 2306. If the reference and this application are not commonly owned, the reference can only be overcome by establishing priority of invention through interference proceedings. See MPEP Chapter 2300 for information on initiating interference proceedings. If the reference and this application are commonly owned, the reference may be disqualified as prior art by an affidavit or declaration under 37 CFR 1.130. See MPEP § 718.

Regarding the Declaration ("Supplementary Declaration of Prior Invention in the United States to Overcome Cited Patent or Publication (37 C.F.R. 1.131)") filed on 07/07/2005 under 37 CFR 1.131, Examiner herein respectfully requests proper clarification of the statement "I witnessed demonstrations to the Lucent Full Circle conference in San Francisco of May 17, 2000, which showed the end user experience of the project." and the statement "I also witnessed demonstrations in November 2000 of a prototype implementation.". In particular Examiner desires to know if any member of the general public attended to the "witnessed demonstrations". Similarly proper clarification of the additional witnessed demonstrations in November 2000 is requested.

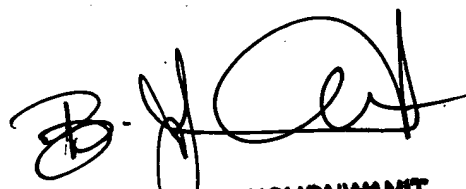
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rainier Suazo whose telephone number is (571) 272-3931. The examiner can normally be reached on Monday through Friday, 8:00-4:30..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rainier Suazo, MBA
Patent Examiner
Art Unit 2144



BUNJOD JAROENCHONWATT
PRIMARY EXAMINER